

JUDGE BLACK
CHAPTER 11
INITIAL HEARING DATE:
NOVEMBER 18, 2009, AT 9:30 A.M.

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:)
)
VERLENER CORPORATION,) No. 09 B 38786
Debtor)

NOTICE OF MOTION

TO: Verlener Corporation, Helen Crawley, President, 10115 S.
Torrence Avenue, Chicago, Illinois 60617

Ernesto D. Borges, Esquire, 105 W. Madison Street, 23rd Floor,
Chicago, Illinois 60602

William T. Neary, Office of U.S. Trustee, 219 S. Dearborn,
Room 873, Chicago, Illinois 60604

PLEASE TAKE NOTICE that on **Wednesday, November 18, 2009, at 9:30 a.m.** or as soon thereafter as Counsel may be heard, I shall appear before the **Honorable Judge Bruce W. Black** or any judge sitting in his stead in **Courtroom 615**, at the **Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois**, and shall then and there present and request a hearing instantler as to **BankFinancial FSB's** attached **Motion to Modify the Automatic Stay**.

/s/Francis J. Pendergast, III

Francis J. Pendergast, III
CROWLEY & LAMB, P.C.
350 North LaSalle Street, Suite 900
Chicago, Illinois 60654
(312) 670-6900

CERTIFICATE OF SERVICE

I, Iscel Y. Benavides, a non-attorney on oath state that I served this Notice and attached Motion, by mailing a copy to Debtor Verlener Corporation and depositing same in the U.S. Mail at 350 North LaSalle Street, Chicago, Illinois before 5:00 p.m., on November 10, 2009, with proper postage prepaid and to Debtor's attorney Ernesto D. Borges, and U.S. Trustee William T. Neary via electronic notice.

Iscel Y. Benavides

SUBSCRIBED AND SWORN TO
Before me this 10th day
of November, 2009



Donna Grech
NOTARY PUBLIC

Francis J. Pendergast, III
CROWLEY & LAMB, P.C.
350 North LaSalle Street, Suite 900
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BANKFINANCIAL FSB'S MOTION TO MODIFY THE AUTOMATIC STAY

NOW COMES BankFinancial FSB, by and through its Attorneys,
Crowley & Lamb, P.C. and states as follows:

1. That on March 8, 2006, Debtor Verlener Corporation, an Illinois Corporation executed a mortgage on the property commonly known as 10115 Torrence Avenue, Chicago, Illinois (Torrence Property) to BankFinancial, FSB to secure a \$200,000.000 Promissory Note executed by the Debtor and by Unicorn Oil Corporation, an Illinois Corporation, that same day. Copies of this Mortgage and Promissory Note are attached as Exhibits A and B respectively.

2. That on March 8, 2007, the Debtor and BankFinancial FSB entered into a Modification of Mortgage whereby the principal amount of this loan was increased from \$200,000.00 to \$275,000.00 and the Debtor and Unicorn Oil Corporation executed a Promissory Note for \$275,000.00. Copies of the modification of Mortgage and Promissory Note are attached as Exhibits C and D respectively.

3. That on September 21, 2007, the Debtor and BankFinancial FSB executed a subsequent Modification of Mortgage whereby the principal amount of this loan was increased from \$275,000.00 to \$375,000.00 and the Debtor and Unicorn Oil Corporation executed a Promissory Note for \$375,000.00. Copies of this modification of Mortgage and Promissory Note are attached as Exhibits E and F respectively.

4. That this mortgage loan matured by its own terms on March 8, 2008.

5. That on March 8, 2006, the Debtor executed a mortgage on the Torrence Property to BankFinancial FSB to secure a \$300,000.00 Promissory Note executed by the Debtor and Unicorn Oil Corporation that same day. Copies of this Mortgage and Note are attached as Exhibits G and H respectively.

6. That on March 8, 2006, the Debtor executed to BankFinancial FSB an Assignment Of Rents as to the Torrence Property. A copy of this document is attached as Exhibit I.

7. That the Debtor is the sole owner of the Torrence Property

8. That on March 8, 2007, the Debtor executed in favor of BankFinancial FSB Commercial Security Agreement as to his business asset and personal property. A copy of this document is attached as Exhibit J.

9. That on June 18, 2009, BankFinancial FSB filed in the Circuit Court of Cook County, Illinois its complaint in mortgage foreclosure and for other relief, Case No. 09 CH 19557, as the \$375,000.00 mortgage note debt matured by its own terms on October 16, 2008, and was not satisfied and that this default triggered the acceleration of the \$300,000.00 mortgage note debt.

10. That on September 10, 2009, BankFinancial FSB filed its petition to appoint a receiver. A copy of this petition is attached as Exhibit J.

11. That an initial hearing on this petition was held on September 18, 2009, at which time the Court entered a briefing schedule whereby the Debtor was given through October 2, 2009, to file its response and BankFinancial FSB was given through October 9, 2009, to file its reply, with a hearing scheduled for October 16, 2009, at 3:00 p.m. A copy of this order is attached as Exhibit K.

12. That the Debtor filed on October 2, 2009, its motion to strike and dismiss which BankFinancial FSB treated as a response. A copy of the Debtor's response is attached as Exhibit L.

13. That on October 9, 2009, BankFinancial FSB filed its reply. A copy of this reply is attached as Exhibit M.

14. That on October 16, 2009, at 2:57 p.m., three minutes before the scheduled hearing to appoint a receiver, the Debtor filed its pending Chapter 11 bankruptcy petition.

15. That through November 2, 2009, the only creditor listed on the Debtor's Schedules is BankFinancial FSB and the only asset of Debtor listed on the Schedule is the Torrence Property.

16. That the Debtor's Schedule G - Executory Contracts And Unexpired Leases is blank.

17. That upon information and belief on entity called Unicorn Oil Corporation, an Illinois Corporation operates out of the Torrence Property.

18. That upon information and belief an individual by the name of Helen Crawley is the sole shareholder of the Debtor and Unicorn Oil Corporation.

19. That according to the Debtor's Schedules A and D the fair market value of the Torrence Property is \$500,000.00 while the debt owed to BankFinancial FSB is \$675,000.00

20. That as of October 16, 2009, BankFinancial FSB was owed \$693,294.42 as to both mortgage loans.

21. That as of November 3, 2009, the Debtor has failed to file Schedules I and J listing its monthly income and monthly expenses.

22. That based upon the Debtor's Schedules the Debtor is not generating any income to make adequate protection payments to BankFinancial FSB.

23. That the Debtor has no equity in the Torrence Property and it is not necessary for an effective reorganization.

24. That as of October 16, 1009, BankFinancial FSB was holding \$5,929.84 in escrow to be applied toward the second installment of 2008 real estate taxes totaling \$11,388.27.

25. That the Debtor's Chapter 11 bankruptcy was filed to frustrate BankFinancial FSB's litigation in Case No. 09 CH 19557

WHEREFORE, BankFinancial FSB requests this Honorable Court to modify the automatic stay pursuant to Sections 362(d)(1) and/or (d)(2) of the U.S. Bankruptcy Code in order for it to resume with its litigation, Case No. 09 CH 19557, in order to foreclose against its collateral, the real estate commonly known as 10115 Torrence Avenue, Chicago, Illinois as well as the Debtor's business assets and personal property; for a waiver of U.S. Bankruptcy Rule 4001(a)(3) so that it can immediately implement and enforce this order; and for such other relief as this court deems equitable.

Respectively Submitted,

BANKFINANCIAL FSB

BY: /s/Francis J. Pendergast, III
ONE OF ITS ATTORNEYS

Francis J. Pendergast, III
CROWLEY & LAMB, P.C.
350 North LaSalle Street
Suite 900
Chicago, Illinois 60654
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